

*Formal Agenda
November 12, 2019
Referrals.*

**INTERNAL
OPERATIONS
STANDING
COMMITTEE**

4

**OFFICE OF CONTRACTING
AND PROCUREMENT**

November 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6002367 100% City Funding – To Provide Citywide Microsoft Corporation Enterprise Software Licensing. – Contractor: CDW Government, LLC – Location: 230 North Milwaukee Avenue, Vernon Hills, IL 60061. – Contract Period: Upon City Council Approval through June 25, 2021 – Total Contract Amount: \$15,265,000.00. **DoIT**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **MCCALISTER**

RESOLVED, that Contract No. 6002367 referred to in the foregoing communication dated November 7, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

November 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6002507 100% City Funding – To Provide Election Ballot Test Deck Services. –
Contractor: Miller Consultations & Elections dba ElectionSource – Location:
4615 Danvers Drive SE, Grand Rapids, MI 49512 – Contract Period: Upon City
Council Approval through November 18, 2021 – Total Contract Amount:
\$215,000.00. **ELECTIONS**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER MCCALISTER

RESOLVED, that Contract No. 6002507 referred to in the foregoing communication dated November 7, 2019, be hereby and is approved.

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**OFFICE OF CONTRACTING
AND PROCUREMENT**

November 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6000387 100% City Funding – AMEND 1 – To Provide an Extension of Time for the Continuation of Supplying the City of Detroit with Dental Plans and Related Services. – Contractor: DENCAP Dental Plans – Location: 45 E Milwaukee Street, Detroit, MI 48202 – Contract Period: Upon City Council Approval through December 31, 2020 – Total Contract Amount: \$2,119,920.00 **HUMAN RESOURCES** (*Previous Contract Period: November 1, 2016 to December 31, 2019*)

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER MCCALISTER

RESOLVED, that Contract No. 6000387 referred to in the foregoing communication dated November 7, 2019, be hereby and is approved.

**OFFICE OF CONTRACTING
AND PROCUREMENT**

November 7, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6002544 100% City Funding – To Provide Legal Representation to the City of Detroit in Connection with Darwin Heard v. City of Detroit, 19-cv-12303. – Contractor: Cummings, McClorey, Davis & Acho, PLC – Location: 17436 College Parkway, Livonia, MI 48152 – Contract Period: August 21, 2019 through December 31, 2020 – Total Contract Amount: \$100,000.00 **LAW**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer
Office of Contracting and Procurement

BY COUNCIL MEMBER **MCCALISTER**

RESOLVED, that Contract No. 6002544 referred to in the foregoing communication dated November 7, 2019, be hereby and is approved.



CITY OF DETROIT
LAW DEPARTMENT

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October 23, 2019

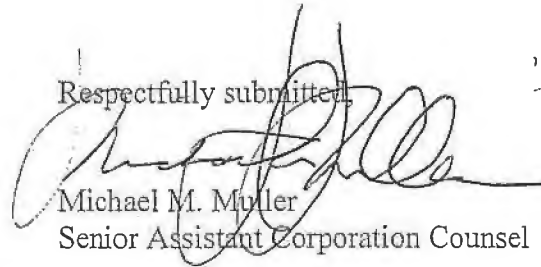
HONORABLE CITY COUNCIL

RE: TERESA THOMAS v CITY OF DETROIT et. al.
CASE NO. 19-12708
FILE NO. L19-00657 (MMM)

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **Fifty Thousand Dollars and No Cents (\$50,000.00)** is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **Fifty Thousand Dollars and No Cents (\$50,000.00)** and that Your Honorable Body direct the Finance Director to issue a draft payable to **TERESA THOMAS and OLSON PLLC, her attorney**, in the amount **Fifty Thousand Dollars and No Cents (\$50,000.00)**, and to be delivered upon receipt of a properly executed Release and Stipulation and Order of Dismissal entered in Lawsuit No. 19-12708, approved by the Law Department.

Respectfully submitted,


Michael M. Muller
Senior Assistant Corporation Counsel

APPROVED: **OCT 28 2019**
LAWRENCE T. GARCIA
Corporation Counsel

BY:


James D. Nosedo
Supervising Assistant Corporation Counsel

RESOLUTION

BY COUNCIL MEMBER _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount **Fifty Thousand Dollars and No Cents (\$50,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **TERESA THOMAS and OLSON PLLC, her attorney**, in the amount of **Fifty Thousand Dollars and No Cents (\$50,000.00)** in full payment for any and all claims which **TERESA THOMAS** may have against the City of Detroit, Shawn Mortier, Kimberly Wright, and any other City of Detroit employees by reason of alleged injuries sustained on or about **July 19, 2019** and as otherwise set forth in Case No. 19-12708 filed in the United States District Court for the Eastern District of Michigan, Southern Division, and that said amount be paid upon receipt of a properly executed Release and a Stipulation and Order of Dismissal entered in Case No. 19-12708.

APPROVED:

LAWRENCE T. GARCIA
Corporation Counsel

BY: _____


James D. Nosedá
Supervising Assistant Corporation Counsel

Approved by City Council: _____

Approved by the Mayor: _____

PRIVILEGED & CONFIDENTIAL

MEDICAL DIAGNOSIS: N/A

PERSONAL INJURY "SPECIALS": N/A

MEDIATION: This lawsuit was filed in Federal Court, and as such, was not mediated.

LIABILITY/EVALUATION: Under Michigan and Federal law, dogs are considered personal property. The 4th Amendment protects all citizens against unreasonable seizures of personal property. When an officer shoots a dog, he/she is seizing the dog with a bullet. In December of 2016, the 6th Circuit Court of Appeals which governs federal law in Michigan analyzed the shooting of dogs under the 4th Amendment. In *Brown v. City of Battlecreek*, the court set forth the following standard: a police officer's use of deadly force against a dog is reasonable under the Fourth Amendment when, given the totality of the circumstances and viewed from the perspective of an objectively reasonable officer, the dog poses an imminent threat to the officer's safety.

Plaintiffs assert claims against the defendant officers for illegal seizure of the dogs in violation of the 4th Amendment under 42 U.S.C. §1983, three alternate Monell claims against the City of Detroit, and claims for conversion and intentional infliction of emotional distress under state law.

The state law claims for intentional infliction of emotional distress and conversion are subject to dismissal and in any event, of minimal value. Under Michigan law, one can only recover the fair market value of the dog. These two dogs have a fair market value of less than \$500.00. In addition, the claims against the City are subject to dismissal because we do not have a policy of unreasonably shooting dogs. In fact, our written policy only allows an officer to shoot a dog when it poses and imminent threat and there are no reasonable alternatives to the use of deadly force.

As for liability for illegal seizure of the dogs by and through shooting them, officer Wright has qualified immunity because she shot the dogs because they posed an imminent threat to her safety. However, officer Mortier is responsible for the death of the two dogs due to his violation of Ms. Thomas' 4th Amendment rights. Entry of a home without a warrant is presumptively unreasonable under the 4th Amendment except under limited circumstances which clearly did not exist here. Officer Mortier had no right to yank open the security door to Ms. Thomas' home when she had told him that he could not enter or search her home. Accordingly, he is directly responsible for the dogs escaping and being shot.

This writer sat down with officer Mortier, and viewed the video and audio of the subject event. The whole area of 4th Amendment search and seizure with respect to homes can become very complicated, even for persons with law degrees who specialize in the area. Officer Mortier was of the belief that he could open the security door without entering Ms. Thomas' home for the purposes of the 4th Amendment. While under certain circumstances this is true, those

circumstances did not exist here. This writer explained to Officer Mortier that unless he has exigent circumstances or is in hot pursuit of a felon into the home, it is virtually certain that he will need a warrant to open the front door to a home.

It should be noted that the issue of whether to afford officer Mortier defense and indemnification has not been fully addressed by the Police Department, Law Department, or this Honorable Body. However, it is our opinion that merely being mistaken about a very tricky aspect of the law does not take officer Mortier's conduct out of the realm of good faith performance of his duties.

From a damages perspective, officer Mortier's wrongful conduct resulted in the shooting deaths of Ms. Thomas' two dogs. Given Ms. Thomas voiced concern for the safety of her dogs numerous times and was assured by officer Mortier that the dogs would be fine, a typical jury is going to take a very dim view of officer Mortier's conduct. Pets (especially dogs) are considered by most as members of the family. While under Michigan state law plaintiffs would only be entitled to the fair market value of the dogs at the time we killed them, under the federal civil rights act plaintiffs are entitled to emotional damages together with attorney fees, costs and punitive damages.

By way of illustration, we have found jury verdicts and settlements from across the country that range from a \$1,250,000.00 jury verdict in San Jose for the shooting of three dogs, \$620,000.00 jury verdict in Maryland for shooting one dog and a verdict of \$330,000.00 in Chicago for the shooting death of one dog. In addition, we found an \$800,000.00 settlement for the death of a dog in Costa Mesa, California, a \$225,000.00 settlement for the shooting death of a dog in Minnesota and a 101,000.00 judgment for the shooting death of a dog in Des Moines, Iowa. In a word, people from all over the United States take the wrongful killing of their dogs as extremely serious, and second only to the wrongful death of a human being.

It is this writer's opinion that the conservative range for compensatory damages for the two dogs under the facts in this case is \$75,000.00 to \$150,000.00 a dog for a typical jury. However, it does not end there. If the jury finds that officer Mortier's conduct was reckless and resulted in the execution of plaintiffs' pets, it is more probable than not that a typical jury is going to award punitive damages. While a jury is free to award as much as 4 to 5 times its compensatory award, it is likely they will simply double the compensatory award. There also will be an award of \$40,000.00 to \$60,000.00 in attorney fees and then, several thousand will be awarded in pre and post judgment interest.

In sum, the video and audio clearly shows the case is simply not defensible. In light of the fact that this case is a very dangerous one to take to a jury on the damage issue, and could end up pushing \$300,000.00 to \$400,000.00, we spent a considerable amount of effort and time at the outset of this litigation trying to reach a settlement with plaintiffs. After extensive negotiations, we were able to get plaintiff to agree to take a total of \$50,000.00 in full settlement of all her claims. The Law Department highly recommends this settlement because it is in the City's best

Thomas vs Detroit, et. el.
Re: Settlement Memorandum
Date: October 23, 2019
Page 4

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

interest.

AMOUNT OF SETTLEMENT RECOMMENDED: \$50,000.00

RISK MANAGEMENT MEASURES: There was a command level investigation into this matter by a supervising sergeant, the results of which were that the matter should be closed.

Michael M. Muller
LAWSUIT SETTLEMENT
50,000.00

PRIVILEGED & CONFIDENTIAL

PRIVILEGED AND CONFIDENTIAL

ATTORNEY-CLIENT COMMUNICATION

L A W S U I T S E T T L E M E N T M E M O R A N D U M

TERESA THOMAS

v

CITY OF DETROIT, SHAWN MORTIER and KIMBERLY WRIGHT

CASE NO. 19-12708

FILE NO. L19-00657 (MMM)

PLAINTIFFS' NAME: Teresa Thomas

DATE OF INCIDENT: July 19, 2019 **TIME:** 1:12 p.m.

SUMMARY OF INCIDENT: The instant case arises out of the shooting of plaintiff, Teresa Thomas' two pet pit bull dogs.

On July 19, 2019, defendant officers responded as back-up to a shots fired run at 2425 Beals, Detroit, MI. Upon arrival at the scene, a woman complained of having an altercation with a man who took out a semiautomatic pistol and fired several shots into the air. The female complainant advised that the man retreated into the home at 2425 Beals. Officer Mortier spoke to Ms. Teresa Thomas at 2425 Beals, and explained that the shooter had retreated into her home and he needed to enter and search for him.

The complete interaction, high definition video and audio, was captured on officer Mortier's body camera. Ms. Thomas was behind a closed security grate, and had three pet pit bulls who were plainly visible. She told officer Mortier that no such man entered her home, and she was concerned about the safety of her dogs if she allowed a search. Her son came out of the home onto the front porch, and accompanied officer Mortier down to the complainant's home. The Complainant confirmed that the shooter was not Ms. Thomas' son.

Officer Mortier returned to Ms. Thomas' front porch, and again requested that she allow a search of her home. Ms. Thomas again refused, and continued to voice concern for the safety of her pet dogs. Without warning, officer Mortier grabbed the security grate and yanked it open. This pulled Ms. Thomas across the front door threshold and briefly onto the front porch. Ms. Thomas attempted to grab her pet dogs, but they escaped out the front door. The dogs attacked police officer Wright who was standing along the side of the home. Officer Wright had no choice but to shoot the two attacking dogs.

As a result of the shots fired, one of the dogs expired, and the other died an hour or so later at an animal hospital.

CITY CLERK 2019 NOV 6 PM 4:15



CITY OF DETROIT
LAW DEPARTMENT

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October 14, 2019

Lawrence Garcia
Corporation Counsel

RE: *David Ashland v City of Detroit, et al*
Case No. 2:18-cv-12256
File No.: L18-00502 (GBP)

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum attached hereto. From this review, it is our considered opinion that a settlement in the amount of **Twenty Thousand Dollars and Zero Cents (\$20,000.00)** is in the best interest of CITY OF DETROIT.

We, therefore, request authorization to settle this matter in the amount of **Twenty Thousand Dollars and Zero Cents (\$20,000.00)** and that you direct the Finance Director to issue a draft in that amount payable to DAVID ASHLAND and EXCOLO LAW, PLLC, his attorneys, to be delivered upon receipt of an Order of Dismissal entered in Lawsuit No.: 2:18-cv-12256, approved by the Law Department.

Very truly yours,

Gregory B. Paddison
Senior Assistant Corporation Counsel

APPROVED: NOV 06 2019

Lawrence Garcia
Corporation Counsel

By: Krystal A. Crittendon
Krystal Crittendon
Supervising Assistant Corporation Counsel

CITY CLERK 2019 NOV 15 PM 4:18

RESOLUTION

By COUNCIL MEMBER: _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Twenty Thousand Dollars and Zero Cents (\$20,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **DAVID ASHLAND** and his attorneys, **EXCOLO LAW PLLC**, in the amount of **Twenty Thousand Dollars and Zero Cents (\$20,000.00)** in full payment for any and all claims which **DAVID ASHLAND** may have against Defendants, CITY OF DETROIT, RICHARD BILLINGSLEA, DEMETRIUS PATILLO, STEVEN FULTZ, and SCOTT SOLO, by reason of the Constitutional Violations alleged to have occurred on or about **December 9, 2015**, and that said amount be paid upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No.: 2:18-cv-12256, approved by the Law Department.

APPROVED:

LAWRENCE GARCIA
Corporation Counsel

By:


Krystal A. Crittendon
Supervising Assistant Corporation Counsel



CITY OF DETROIT
LAW DEPARTMENT

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November 5, 2019

Lawrence Garcia
Corporation Counsel

RE: *Izell McInness and Larry Duffey v City of Detroit, et al*
Case No. 16-010060-NO
File No.: L16-00710 (GBP)

City Council previously approved this proposed settlement. However, the check was issued without the Plaintiff's name and was addressed to the wrong law firm. Therefore, it is requested that reconsideration be waived. From this review, it is our considered opinion that a settlement in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** is in the best interest of CITY OF DETROIT.

We, therefore, request authorization to settle this matter in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** and that you direct the Finance Director to issue a draft in that amount payable to **IZELL MCINNESS AND LARRY DUFFEY and BAYDOWN LAW GROUP D/B/A MERIDIAN LAW GROUP**, his attorney, to be delivered upon receipt of an Order of Dismissal entered in Lawsuit No.: 16-010060-NO, approved by the Law Department. **WAIVER OF RECONSIDERATION IS REQUESTED.**

Very truly yours,

Gregory B. Paddison
Assistant Corporation Counsel

APPROVED: **NOV 06 2019**

Lawrence Garcia
Corporation Counsel

By: 
Krystal Crittendon
Supervising Assistant Corporation Counsel

CITY CLERK NOV 06 2019

RESOLUTION

BY COUNCIL MEMBER: _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **IZELL MCINNESS and LARRY DUFFEY** and their attorney, **BAYDOUN LAW GROUP d/b/a MERIDIAN LAW GROUP**, in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** in full payment for any and all claims which **IZELL MCINNESS and LARRY DUFFEY** may have against Defendant, CITY OF DETROIT, by reason of the Constitutional Violations alleged to have occurred on or about **March 22, 2016**, and that said amount be paid upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No.: 16-010060-NO, approved by the Law Department.

APPROVED:

LAWRENCE GARCIA
Corporation Counsel

By: 
Krystal A. Crittendon
Supervising Assistant Corporation Counsel

TRUE COPY CERTIFICATE

Form C of D-16-CE

STATE OF MICHIGAN, }
City of Detroit } ss.

CITY CLERK'S OFFICE, DETROIT

I, JANICE M. WINFREY, City Clerk of the City of Detroit, in said
State, do hereby certify that the annexed paper is a TRUE COPY OF RESOLUTION
Case # 16-010060-NO
adopted (passed) by the City Council at session of

JUNE 04 20 19

and approved by Mayor

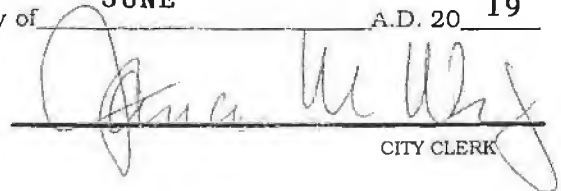
JUNE 10 20 19

as appears from the Journal of said City Council in the office of the City Clerk of Detroit, aforesaid;
that I have compared the same with the original, and the same is a correct transcript therefrom, and of the
whole of such original.

In Witness Whereof, I have hereunto set my hand
and affixed the corporate seal of said City, at

Detroit, this 14th

day of JUNE A.D. 20 19


CITY CLERK



CITY OF DETROIT
LAW DEPARTMENT



COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
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44

April 25, 2019

HONORABLE CITY COUNCIL

RE: *Izell McInness and Larry Duffey v City of Detroit, et al*
Case No. 16-010060-NO
File No.: L16-00710 (GBP)

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum attached hereto. From this review, it is our considered opinion that a settlement in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** is in the best interest of CITY OF DETROIT.

We, therefore, request authorization to settle this matter in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** and that you direct the Finance Director to issue a draft in that amount payable to **IZELL MCINNESS AND LARRY DUFFEY and GIROUX RATTON, P.C.**, his attorney, to be delivered upon receipt of an Order of Dismissal entered in Lawsuit No.: 16-010060-NO, approved by the Law Department.

Very truly yours,


Gregory B. Paddison

Assistant Corporation Counsel

APPROVED: MAY 13 2019

Lawrence Garcia
Corporation Counsel

By: 
Krystal A. Crittendon
Supervising Assistant Corporation Counsel

ENTERED MAY 22 2019 BB 1 WK. (J) 3-0

ENTERED MAY 29 2019 M.T.F. (REL) 2-0 (RM; REL)

COPIES DESTROYED 1999

RESOLUTION

BY COUNCIL MEMBER: _____:

McCallister

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **IZELL MCINNESS and LARRY DUFFEY** and their attorney, **MERIDIAN LAW GROUP**, in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** in full payment for any and all claims which **IZELL MCINNESS and LARRY DUFFEY** may have against Defendant, CITY OF DETROIT, by reason of the Constitutional Violations alleged to have occurred on or about **March 22, 2016**, and that said amount be paid upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No.: 16-010060-NO, approved by the Law Department.

APPROVED:

LAWRENCE GARCIA
Corporation Counsel

By: _____

Krystal A. Crittendon
Krystal A. Crittendon
Supervising Assistant Corporation Counsel

City Council Approved Date 06/04/2019
~~THE~~ MAYOR Approved Date 06/10/2019

ADOPTED AS FOLLOWS COUNCIL MEMBERS

#44

		YEAS	NAYS
Janee	AYERS	✓	
Scott	BENSON	✓	
Raquel	CASTANEDA-LOPEZ	✓	
Gabe	LELAND	✓	
Roy	MCCALISTER, JR.	✓	
*Mary	SHEFFIELD	✓	
Andre	SPIVEY	✓	
James	TATE		✓
Brenda	PRESIDENT JONES		
*PRESIDENT PRO TEM			
		7	1



CITY OF DETROIT
LAW DEPARTMENT

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November 5, 2019

HONORABLE CITY COUNCIL

RE: ERIC BURTON v. CITY OF DETROIT, et al
CASE NO. 17-10429
FILE NO. L17-00068(PMC)

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **One Hundred Seventy-Five Thousand Dollars and ^{NO}/Cents (\$175,000.00)** is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **One Hundred Seventy-Five Thousand Dollars and ^{NO}/Cents (\$175,000.00)** and that Your Honorable Body direct the Finance Director to issue a draft in that amount payable to **Eric Burton and his attorneys The Sanders Law Firm P.C.**, to be delivered upon receipt of a properly executed Release and a Stipulation and Order of Dismissal entered in Case No. 17-10429, approved by the Law Department.

Respectfully submitted,

PATRICK M. CUNNINGHAM (P67643)
Assistant Corporation Counsel

APPROVED: NOV 06 2019

LAWRENCE T. GARCIA
Corporation Counsel

BY:
Jerry L. Ashford
Chief of Litigation

RESOLUTION

BY COUNCIL MEMBER _____:

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **One Hundred Seventy-Five Thousand Dollars and ^{NO}/Cents (\$175,000.00)**; and be it further

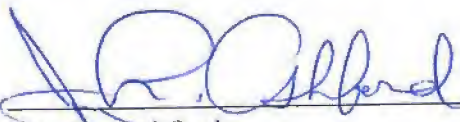
RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **Eric Burton and his attorneys The Sanders Law Firm P.C.** in the amount of **One Hundred Seventy-Five Thousand Dollars and ^{NO}/Cents (\$175,000.00)** in full payment for any and all claims which **ERIC BURTON** may have against the City of Detroit and any City of Detroit employees by reason of alleged injuries or property damage sustained by **ERIC BURTON** on or about July 30, 2014, as otherwise set forth in Case No.17-10429 in the United States District Court for the Eastern District of Michigan, and that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Case No. 17-10429, and, where it is deemed necessary or desirable by the Law Department, a properly executed Medicare Reporting and Indemnification Affidavit, approved by the Law Department.

APPROVED:

LAWRENCE T. GARCIA

Corporation Counsel

BY:


Jerry L. Ashford
Chief of Litigation

Approved by City Council: _____

Approved by the Mayor: _____



CITY OF DETROIT
LAW DEPARTMENT

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October 14, 2019

Lawrence Garcia
Corporation Counsel

RE: *Joyce Wiedemann, et al v City of Detroit, et al*
Case No. 2:19-cv-10781
File No.: L19-00182 (GBP)

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum attached hereto. From this review, it is our considered opinion that a settlement in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** is in the best interest of CITY OF DETROIT.

We, therefore, request authorization to settle this matter in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** and that you direct the Finance Director to issue a draft in that amount payable to Joyce Wiedemann and Gwedolyn Avery (individually and on behalf of **K.A., her minor daughter**) and EXCOLO LAW, PLLC, his attorneys, to be delivered upon receipt of an Order of Dismissal entered in Lawsuit No.: 2:19-cv-10781, approved by the Law Department.

Very truly yours,

Gregory B. Paddison
Senior Assistant Corporation Counsel

APPROVED: NOV 06 2019

Lawrence Garcia
Corporation Counsel

By: Krystal A. Crittendon
Krystal Crittendon
Supervising Assistant Corporation Counsel

CITY CLERK 2019 NOV 6 PM 4:27

RESOLUTION

BY COUNCIL MEMBER: _____;

RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **JOYCE WIEDEMANN and GWEDOLYN AVERY (individually and on behalf of K.A., her minor daughter)** and his attorneys, **EXCOLO LAW PLLC**, in the amount of **Fifteen Thousand Dollars and Zero Cents (\$15,000.00)** in full payment for any and all claims which **JOYCE WIEDEMANN and GWEDOLYN AVERY (individually and on behalf of K.A., her minor daughter)** may have against Defendants, CITY OF DETROIT, MICHAEL CARROLL, ANDREW SCHWEDLER, SEARN HOCHRADEL, and THEOPOLIS WILLIAMS, by reason of the Constitutional Violations alleged to have occurred on or about **August 17, 2016**, and that said amount be paid upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No.: 2:19-cv-10781, approved by the Law Department.

APPROVED:

LAWRENCE GARCIA
Corporation Counsel

By: 

Krystal A. Crittendon
Supervising Assistant Corporation Counsel



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LAW DEPARTMENT

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226-3437

Phone 313•224•4550
Fax 313•224•5505
www.detroitmi.gov

November 5, 2019

HONORABLE CITY COUNCIL

Re: Garry Williams v City of Detroit
Case File NO: 18-007680-CD
File NO. : W18-00096

On October 28, 2019, a case evaluation panel evaluated the above-captioned lawsuit and awarded **FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)** in favor of Plaintiff. The parties have until November 22, 2019 to either accept or reject the case evaluation. Failure to file a written acceptance or rejection within this period constitutes a rejection.

Based upon our review of the facts and particulars of this lawsuit, which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body, it is our considered opinion that acceptance of the case evaluation award is in the best interest of the City of Detroit.

We, therefore, request Your Honorable Body to authorize acceptance of the case evaluation award; and in the event that Plaintiff accepts the award, to deem such acceptance as a settlement and to direct the Finance Director to issue a draft in the amount of **FORTY-FIVE THOUSAND DOLLARS (\$45,000.00) payable to Garry Williams and Batey Law Firm, his attorney**, to be delivered upon receive of properly executed releases and stipulation and order of dismissal entered in Lawsuit No. 18-007680-CD, approved by the Law Department.

/s/ LaKena Crespo

LaKena Crespo

Assistant Corporation Counsel

APPROVED: NOV 06 2019

LAWRENCE T. GARCIA
Corporation Counsel

BY: June C. Adams
June C. Adams

Chief Administrative Corporation Counsel

Attachments

CITY OF DETROIT

RESOLUTION

BY COUNCIL MEMBER _____:

RESOLVED, that the Law Department is hereby authorized to accept the case evaluation in the amount of **FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)** in the case of Garry Williams v City of Detroit, Wayne County Circuit Court Case No. 18-007680-CD; and be it further

RESOLVED, that in the event Plaintiff accepts the case evaluation, that such acceptance is deemed a settlement, and that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of Garry Williams and the Batey Law Firm, his attorney, in the amount of **FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)** in full payment of any and all claims which Plaintiff may have against the City of Detroit by reason of alleged damages, and that said amount be paid upon receipt of a properly executed Release and Stipulation and Order of Dismissal entered in Lawsuit No. 18-007680-CD, approved by the Law Department.

APPROVED:

LAWRENCE T. GARCIA
Corporation Counsel

BY: 

June C. Adams
Chief Administrative Corporation Counsel

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LAW DEPARTMENT

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November 6, 2019

HONORABLE CITY COUNCIL

**RE: THOMAS SANDUSKY, as Personal Representative for the ESTATE OF
HAL SANDUSKY v. SGT. DAVID NEWKIRK, et al.
USDS Case No: 17-cv-11784**

We have reviewed the above-captioned lawsuit, the facts and particulars of which are set forth in a confidential memorandum that is being separately hand-delivered to each member of Your Honorable Body. From this review, it is our considered opinion that a settlement in the amount of **FOUR HUNDRED THOUSAND DOLLARS and ^{NO}/Cents (\$400,000.00)** is in the best interest of the City of Detroit.

We, therefore, request authorization to settle this matter in the amount of **FOUR HUNDRED THOUSAND DOLLARS and ^{NO}/Cents (\$400,000.00)** and that Your Honorable Body direct the Finance Director to issue a draft in that amount payable to **THOMAS SANDUSKY, as Personal Representative of the ESTATE OF HAL SANDUSKY** and his attorneys, **FIEGER LAW**, to be delivered upon receipt of properly executed Releases and Stipulation and Order of Dismissal entered in Lawsuit No. USDC Case No: 17-cv-11784, approved by the Law Department.

Respectfully submitted, .

KRYSTAL A. CRITTENDON

Supervising Assistant Corporation Counsel

APPROVED:
LAWRENCE T. GARCIA
Corporation Counsel

BY:

Jerry L. Ashford
Chief of Litigation

CITY CLERK 2019 NOV 6 PM 4:15

Attachments

R E S O L U T I O N

BY COUNCIL MEMBER _____:


RESOLVED, that settlement of the above matter be and is hereby authorized in the amount of **FOUR HUNDRED THOUSAND DOLLARS and ^{NO}/Cents (\$400,000.00)**; and be it further

RESOLVED, that the Finance Director be and is hereby authorized and directed to draw a warrant upon the proper account in favor of **THOMAS SANDUSKY, as Personal Representative of the ESTATE OF HAL SANDUSKY** and his attorneys, **FIEGER LAW**, in the amount of **FOUR HUNDRED THOUSAND DOLLARS and ^{NO}/Cents (\$400,000.00)** in full payment for any and all claims which the **ESTATE OF HAL SANDUSKY** may have against the City of Detroit and any other City of Detroit employees by reason of alleged injuries sustained on or about **June 27, 2013**, and otherwise set forth in USDC Case No. 17-cv-11784, that said amount be paid upon receipt of properly executed Releases, Stipulation and Order of Dismissal entered in Lawsuit No. 17-cv-11784, and, where deemed necessary by the Law Department a properly executed Medicare/CMS Final Demand Letter.

APPROVED:

LAWRENCE T. GARCIA
Corporation Counsel

BY:



Jerry E. Ashford
Chief of Litigation

Approved by City Council: _____

Approved by the Mayor: _____



CITY OF DETROIT
LAW DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
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Date: November 6, 2019

To: Honorable City Council

From: Law Department

Re: Law Department Report on MVA Settlements as authorized by resolution of the Detroit City Council.

The Law Department has submitted a privileged and confidential memorandum regarding the above-referenced matter. Please submit this item for referral so that Council may consider any action that is necessary.

CITY CLERK 2019 NOV 6 PM 0:38



CITY OF DETROIT
LAW DEPARTMENT

November 6, 2019

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Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan 48226

RE: Resolution of Detroit Elected Officials Compensation Commission to Increase the Salaries of Elected Officials of the City of Detroit

Honorable City Council:

In accordance with Section 2-2-4 of the 2019 Detroit City Code ("City Code"), the Detroit Elected Officials Compensation Commission ("Commission") is permitted to meet in odd-numbered years to determine the salaries of City elected officials. The Commission met on October 22, 2019, and November 5, 2019. The Commission received and reviewed applicable information concerning: 1) Elected Officials Compensation surveys for United States cities conducted and submitted by the Human Resources Department; 2) Response to the Commission's Request for Information from the Office of the Chief Financial Officer; 3) Current salaries and comparisons with other City pay structures; and 4) Correspondence from Clerk Winfrey in support of a salary increase.

At its November 5, 2019 Meeting, the Commission received testimony and debated, considered and adopted a resolution, in regard to the salaries of the Mayor, the nine (9) City Council Members, and the City Clerk. The resolution is attached.

In accordance with Section 5c(b) of the Michigan Home Rule City Act, MCL 117.5c(b), Section 2-2-3 of the 2019 Detroit City Code provides, in pertinent part, that "The Elected Officials Compensation Commission shall determine the salaries of City-elected officials which determination shall be the salaries unless the City Council by resolution adopted by two-thirds of the members elected to and serving on the City Council rejects them. The determination of the Commission shall be effective 30 days following their filing with the City Clerk unless rejected by the City Council. In case of rejection, the existing salary shall prevail."

CITY CLERK 2019 NOV 6 PM 3:57

We are available to answer any questions concerning this matter. Thank you for your consideration.

Respectfully submitted,

Lawrence T. García

Lawrence T. García
Corporation Counsel

Attachment

c.c. Mayor Mike Duggan
Clerk Janice Winfrey
Board of Police Commissioners

**RESOLUTION OF
DETROIT ELECTED OFFICIALS COMPENSATION COMMISSION
TO INCREASE THE SALARIES OF DETROIT ELECTED OFFICIALS**

BY COMMISSION MEMBER Williams - Mallett :

WHEREAS, in accordance with Section 2-2-4 of the 2019 Detroit City Code, the Detroit Elected Officials Compensation Commission is permitted to meet in odd-numbered years to determine the salaries of City elected officials; and

WHEREAS, Section 3-107 of the 2012 Detroit City Charter provides that the elective officers of the City of Detroit are the Mayor, the nine (9) City Council Members, the City Clerk, and the seven elected members of the Board of Police Commissioners; and

WHEREAS, in accordance with Sections 2-2-3 of the 2019 Detroit City Code, the Detroit Elected Officials Compensation Commission is responsible for determining the salaries of City elected officials, which determination shall be the salaries unless the City Council rejects the determination through adoption of a resolution by a two-thirds (2/3) vote of members elected and serving within thirty (30) days after the filing of the Commission's determination with the City Clerk; and

WHEREAS, in accordance with Sections 2-2-3 of the 2019 Detroit City Code, the Detroit Elected Officials Compensation Commission met on October 22, 2019, and on November 5, 2019, received and reviewed applicable information concerning current salaries for the United States cities with similar population and information from the Office of the Chief Financial Officer; and

WHEREAS, in accordance with Section 7-802 of the 2012 Detroit City Charter, the elected members of the Board of Police Commissioners are not entitled to salaries, retirement benefits, health benefits or other fringe benefits; and

WHEREAS, in accordance with Sections 2-2-3 of the 2019 Detroit City Code, the Detroit Elected Officials Compensation Commission has received testimony and debated the issue of the salaries of the Mayor, the nine (9) City Council Members, and the City Clerk.

NOW, THEREFORE, BE IT RESOLVED that the Detroit Elected Officials Compensation Commission determines that the salaries of the Mayor, the nine (9) City Council Members, and the City Clerk shall be increased immediately by three percent (3%); increased by two and five tenths percent (2.5%) March 1, 2020; and increased by two and five tenths percent (2.5%) July 1, 2020; and

BE IT FURTHER RESOLVED that, in accordance with Section 2-2-3 of the 2019 Detroit City Code, this resolution be filed with the Office of the Detroit City Clerk for transmission to the Detroit City Council.

Adopted by the Elected Officials Compensation Commission on: November 5, 2019